IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 14TH JULY 2006 / 23RD ASHADHA,1928

Bail Appl..No. 3920 of 2006

CMP.1623/2006 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
(CRIME NO.104/2006 OF EDVANNA POLICE STATION)

.....

APPLICANTS/ACCUSED:

---

1. MOHAMMED RIYAS, S/O. AHAMMEDKUTTY,
   MUSLIYARANGADI, ARAKKAL HOUSE,
   KONDOTTY.

2. MUHAMMED RAFEEQ. K.K.,
   S/O. ALAVIKKUTTY, KUZHIMAD HOUSE,
   NURUKARA, MANJERI.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, REPRESENTING S.I. OF POLICE,
EDAVANNA POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3920/2006

DATED THIS THE 14TH DAY OF JULY, 2006

O R D E R

The petitioners are the accused 1 and 2 in crime No.104/2006 of Edavanna Police station. They were found in the suspicious circumstances and Edavanna Police detained them, under sections 41(1)(d) and 102 of Cr.P.C. On investigation, it was found that they were engaged in the large scale of lifting and stealing motorbikes from different areas. It is also found that the petitioners were in possession of two stolen motorbikes. The investigating agency is now investigating the matter, under section 379 IPC read with Section 34 IPC. The petitioners remain in judicial custody from 23.5.2006. Hence this application, under Section 439 Cr.P.C.

2. When the application came up for consideration, the learned Public Prosecutor submitted that the second petitioner, second accused, is not having any other case registered against him, except his involvement in this case, as per the records of Edavanna Police station authorities. However, the learned Public

Prosecutor submitted that the first petitioner, first accused, is also accused of the offence, under section 379 IPC, in three other cases.

3. After considering the materials on record and the facts of this case, in relation to each petitioner, and the duration of the judicial detention, I grant bail and release the second petitioner, second accused, in crime No.104/2006 of Edavanna Police Station, from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Manjeri.

(b). The second petitioner shall report before the investigation officer, once in a week on every Thursday, between 10.00 a.m and 11.00 a.m., for a period three months starting, from 20.7.2006 and thereafter, on the first working day of every month between the same timings, till the filing of the final report in this case.

(c). The second petitioner, second accused, shall not interfere with the investigation, tamper with the evidence or attempt to influence or threaten the witnesses of the case.

(d). The second petitioner, second accused, shall also not leave the State of Kerala, till the final trial and disposal of the case.

4. The prayer of the first petitioner, first accused, in this circumstances, is dismissed. However I direct the investigating officer, to complete the investigation, in crime No.104/2006 of Edavanna Police station, and file the final report at the earliest, as the first petitioner, first accused, is in judicial custody, from 23.5.2006.

The application is partly allowed as above.

J.M.JAMES
JUDGE

mrcs